

Notice of Allowability	Application No.	Applicant(s)	
	10/081,935	COX ET AL.	
	Examiner	Art Unit	
	Padmavathi v Baskar	1645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/28/04.
2. ☒ The allowed claim(s) is/are 33-45 and have been renumbered as 1-13 respectively.
3. ☒ The drawings filed on 7/26/04 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>12/13/04 & 1/27/05</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>11/12/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


LYNETTE R. F. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

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DETAILED ACTION

Amendment

1. Applicant's amendment filed on 12/28/04 is acknowledged.

Status of claims

2. Claims 33-36 have been amended.

Claims 1-10 and 12-25 and 33-45 are pending in the application.

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Shelley P. M. Fussey on 1/27/05 and Mark Moore on 2/4/05.

Claims 1-10 and 12-25 have been canceled.

Claim 43, line 2, after 33, inserted - - and a diluent - -

Claim 45, line 2, after at least, in place of "a first" inserted - - - an - - -

4. The IDS submitted on 11/12/04 is signed and a copy of the same is attached to this office action.

Rejections moot

5. In view of cancellation of claims 1-10, and 12 - 25, the rejections under 35 USC 112, first paragraph, second paragraph and 35 USC 102 are moot.

Claim Rejections - 35 USC 102 withdrawn

6. In view of amendment to the claims 33-41, the rejection under 35 U.S.C. 102(b) as being anticipated by Dugger et al (Biochemical and Biophysical Research Communications 218; 485-489), Accession number: U39835 is withdrawn.

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7. In view of amendment to the claims 33-41, the rejection under 35 U.S.C. 102(b) as being anticipated by as being anticipated by Zhu et al 1996 (Infection and Immunity 64', 2695- 2699), Accession numbers: U32518 is withdrawn.

8. In view of amendment to the claims 33-41, the rejection under 35 U.S.C. 102(b) as being anticipated by Jiang et al (Infection and Immunity 1999, 67, 5848-5853) is withdrawn.

9. The claims define over the prior art Dugger et al, Zhu et al and Jiang et al because the claimed invention is limited to the isolated DNA sequence that encode a peptide, the 18 amino acid signal peptide sequence MQFSHALIALVAAGLASA (SEQ ID NO: 2) from the N-terminus of Ag29RA antigen and DNA construct encoding said sequence. The DNA sequence encoding the peptide is shown to be surprisingly effective in eliciting immune response against *Coccidioides* spp.

Remarks

10. Claims 33-45 are allowed and have been renumbered as 1-13 respectively.

Conclusions

11. Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform to the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The RightFax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PMR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Padma Baskar Ph.D., whose telephone number is ((571) 272-0853. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 6.30 a.m. to 4.00 p.m. except First Friday of each bi-week. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on (571) 272-0864. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600

Respectfully,


Padma Baskar Ph.D.